

Division 3. Air Resources Board

Chapter 2. Enforcement of Vehicle Emission Standards and Surveillance Testing

Article 2.4. Procedures for Reporting Failures of Emission-Related Components

§ 2147. Demonstration of Compliance with Emission Standards.

(a) In order to overcome the presumption of noncompliance set forth in Title 13, California Code of Regulations, Section 2123(b), the average emissions of the vehicles and engines with the failed emission-related component must comply with applicable emission standards. A manufacturer may demonstrate compliance with the emission standards by following the procedures set forth in either subsection (b) or subsection (c) of this section.

(b) A manufacturer may test properly maintained in-use vehicles with the failed emission-related component pursuant to the applicable certification emission tests specified in Title 13, California Code of Regulations, Section 1960.1 or 1961, as applicable, for passenger cars, light-duty trucks and medium-duty vehicles, Section 1956.8 for heavy-duty engines and vehicles, and Section 1958 for motorcycles. The emissions shall be projected to the end of the vehicle's or engine's useful life using in-use deterioration factors. The in-use deterioration factors shall be chosen by the manufacturer from among the following:

(1) "Assigned" in-use deterioration factors provided by the ARB on a manufacturer's request and based on ARB in-use testing; or,

(2) deterioration factors generated during certification, provided adjustments are made to account for vehicle aging, customer mileage-accumulation practices, type of failed component, component failure mode, effect of the failure on other emission-control components, commercial fuel and lubricant quality, and any other factor which may affect the vehicle's or engine's operating conditions; or,

(3) subject to approval by the Executive Officer, a manufacturer-generated deterioration factor. The Executive Officer shall approve such deterioration factor if it is based on in-use data generated from certification emission tests performed on properly maintained and used vehicles in accordance with the procedures set forth in Section 1960.1 or 1961 of Title 13 of the California Code of Regulations as applicable for passenger cars, light-duty trucks, and medium-duty vehicles; Section 1956.8 of Title 13 of the California Code of Regulations for heavy duty vehicles and engines; and Section 1958 of Title 13 of the California Code of Regulations for motorcycles, and if the vehicles from which it was derived are representative of the in-use fleet with regard to emissions performance and are equipped with similar emission control technology as vehicles with the failed component.

(c) In lieu of the vehicle or engine emission testing described in subsection (b) above and subject to approval by the Executive Officer, a manufacturer may perform an engineering analysis, laboratory testing or bench testing, when appropriate, to demonstrate the effect of the failure.

NOTE: Authority cited: Sections 39600, 39601 and 43105, Health and Safety Code. Reference: Sections 43000, 43009.5, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

REFERENCE